

REMARKS

Claims 3, 18, 20, 21, 23, 24, and 33-45 were pending. By this amendment, claims 33-35 and 41-42 are canceled without prejudice to Applicant's right to re-present claims to the same or similar subject matter in this or a related patent application.

Allowable Subject Matter

Applicant thanks the Examiner for the indication that claims 3, 18, 20, 21, 23-24, and 43-45 are allowable. The Examiner's action does not indicate whether claims 36-40 are allowed, but as these claims depend from allowed claims 18 or 24, Applicant asks the Examiner to indicate these claims as allowed in the next action.

Interview Summary

Applicant thanks the Examiner for the courtesies extended during a telephonic interview with the undersigned attorney on September 29, 2006. During the interview, the status of the pending claims was discussed in view of claims published in U.S. Application No. 10/044,373.

Notice

For purposes of the prosecution of this patent application only, Applicant states that some or all of the claims pending in this application may be considered to interfere with some or all of the claims of U.S. Application No. 10/044,373, filed January 11, 2002, and published as US 2002/0155961-A1 on October 24, 2002.

Claim Rejections: 35 U.S.C. § 102

Claims 33-35 were rejected under 35 U.S.C. § 102(b) as reciting subject matter anticipated by U.S. Pat. No. 5,091,421 to Clark et al. These claims have been canceled without prejudice to expedite prosecution of this application.

The Examiner listed claims 43-45 in this rejection, but Applicant believes this was done in error, because claims 43-45 are listed as allowed on the Summary page of the office action, in the "Allowable Subject Matter" section of the office action, and on the

“Index of Claims” sheet dated May 2006. Applicants request clarification of the status of these claims.

Claim Rejections: 35 U.S.C. § 103(a)

Claims 41-42 were rejected under 35 U.S.C. § 103(a) as reciting subject matter unpatentable over Clark et al. in view of WO 98/324,421. These claims have been canceled without prejudice to expedite prosecution of this application.

For the reasons given above, Applicant requests reconsideration and withdrawal of each rejection.

Respectfully submitted,
FOLEY HOAG LLP

Date: September 29, 2006
Customer No: 25181
Patent Group
Foley Hoag LLP
155 Seaport Boulevard
Boston, MA 02210-2600

/SCOTT E. KAMHOLZ/
Scott E. Kamholz
Reg. No. 48,543
Attorney for Applicants